

## REMARKS

Claims 1-14, 17-19, 48 and 50 are pending in the instant application. Applicants have deleted claim 7, amended claims 1, 8, 9 and 10, and added new claims 58 and 59. Claim 1 was amended to indicate that the porous matrix and impermeable container are comprised of polymeric materials thereby obviating the need for claim 7. Claims 8, 9, and 10 were amended in accordance with the changes to claim 1. Claim 8 was further amended to list polyglycolic acid which was inadvertently left out of the list as is supported by the specification at page 21, lines 4-6. Claim 58 provides a listing of polymers that may be selected for the second polymeric material and is supported by the specification at page 21, lines 12-16. Claim 59 was added to clarify that the polymeric material used for the porous matrix can be substantially the same as the polymeric material used for the impermeable container. This amendment is supported by the specification at page 20, line 13-page 21, line 18. No new matter has been added by these amendments which are fully supported by the specification and claims as originally-filed. Entry of the amendments and the remarks made herein into the record for the above-identified application is respectfully requested.

## THE REJECTIONS UNDER 35 U.S.C. § 112 SHOULD BE WITHDRAWN

Claims 1-6, 10-14, 17-19, 48 and 50 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. The Office Action claims that although these claims are enabled for a porous matrix comprised of polymeric material, the claims are not enabled for a porous matrix comprised of any material. Applicants respectfully disagree. One of ordinary skill in the art, without undue experimentation, would be able to identify and use numerous porous materials suitable for use within the claimed implantable device beyond polymeric materials, including sintered glass. Although the Applicants respectfully disagree with the Office Action's characterization of the level of skill of one of ordinary skill in the art, claim 1 has been amended to indicate that the porous matrix is comprised of a first polymeric material without acquiescing to the propriety of the rejection and solely to present the rejected claims in condition for allowance. Applicants reserve the right to pursue claims directed to the deleted subject matter in one or more related applications.

Claims 1-9, 11-14, 17-19, 48 and 50 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. The Office Action claims that although these claims are enabled for an impermeable container comprised of polymeric material, the claims are not

enabled for an impermeable container comprised of any material. Applicants respectfully disagree. One of ordinary skill in the art, without undue experimentation, would be able to identify and use numerous impermeable materials suitable for use within the claimed implantable device beyond polymeric materials, including metals. Although the Applicants respectfully disagree with the Office Action's characterization of the level of skill of one of ordinary skill in the art, claim 1 has been amended to indicate that the impermeable container is comprised of a second polymeric material without acquiescing to the propriety of the rejection and solely to present the rejected claims in condition for allowance. Applicants reserve the right to pursue claims directed to the deleted subject matter in one or more related applications.

### CONCLUSIONS

Applicants respectfully request that the foregoing amendments and remarks be made of record in the file history of the instant application. Applicants estimate that the remarks and amendments made herein now place the pending claims in condition for allowance.

Respectfully submitted,

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